

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claims 1, 4, 11, 23, 27 and 32 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 3, 9, 10, 12-18, 21, 22 and 26 have been canceled. Support for amended claims 1 and 23 can be found in, e.g., Figs. 15-16, and support for amended claims 27 and 32 can be found in, e.g., Figs. 24-27B. Claims 4 and 11 have been rewritten to depend from claim 1. No new matter has been added.

Claims 23-31 have been withdrawn previously. However, claims 23 and 27 have been amended so as to be consistent with other claim amendments.

Accordingly, claims 1, 4-8, 11, 19, 20, 23-25 and 27-34 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Rejection under 35 U.S.C. §102(a)

With respect to the rejection of claims 1, 3-18 and 32-34 under 35 U.S.C. §102(a) as being anticipated by Koike et al. (WO 03/005907 or US 2004/0243165 – hereinafter Koike), Applicant respectfully traverses the rejection at least for the reason that Koike fails to describe each and every limitation recited in the rejected claims.

Amended claim 1 recites, among other things, a feature of “the external force changes the cross-sectional shape of the casing so that the changed cross-sectional shape allows the lancet body to become movable relative to the casing.” (Emphasis added.) Applicant respectfully submits that this feature is not taught, disclosed nor suggested by Koike.

In the rejection in lines 8-11, page 3 of the Action, the Examiner contends that Koike discloses the particular direction crosses an axial direction of the casing and the particular direction is directed from an outside of the casing toward an inside of the

casing Fig 11a and 11b. However, as correctly pointed out by the Examiner (lines 12-14 of the same page), the force applied in the particular direction is only for twisting the cap 12 to remove, but not for changing the cross-sectional shape of the casing so that the changed cross-sectional shape allows the lancet body to become movable. Thus, Applicant's above-noted feature of claim 1 is distinguishable over Koike.

With respect to independent claim 23, which is withdrawn from consideration, the arguments set forth in the rejection of claim 1 are also applicable.

With respect to independent claim 32, as amended, claim 32 recites, among other things, a feature of “the casing is formed with an opening for allowing a cross-sectional shape of the casing to change, the opening reaching at least one end edge of the casing so that said one end edge is divided by the opening.” Applicant respectfully asserts that at least this feature of claim 32 is not taught, disclosed nor suggested by Koike.

In rejecting claim 32 in pages 7-8 of the Office Action, the Examiner contends that Koike's casing is formed with an opening (70a, Fig 19, 20A, 20B) for allowing a cross-sectional shape to change. However, the alleged opening 70a does not reach any end edge of the casing, thereby dividing no end edge. Thus, the above-noted feature of amended claim 32 is a distinguishable over Koike.

With respect to independent claim 27, which is withdrawn from consideration, the arguments set forth above are also applicable.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in Koike, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1, 3-18 and 32-34, under 35 U.S.C. §102(a), as anticipated by Koike is improper.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §102(a) rejection of claims 1, 3-18 and 32-34.

3. Rejections under 35 U.S.C. §103(a)

With respect to the rejection of claims 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Koike in view of Nishikawa (US 6,315,738), and to the rejection of claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Koike in view of Moerman (US 7,378,007), Applicant respectfully traverses the rejections at least for the reasons set forth above in relation to the §102(a) rejection of independent claim 1, and for the reason that Koike, Nishikawa and Moerman, combined or separately, fail to teach, disclose, or suggest all of the limitation recited in the rejected claims. In other words, claims 19 and 20 directly or indirectly depend from claim 1 discussed above, and, therefore, at least similarly distinguish over Koike. Further, Nishikawa does not cure the deficiencies of Koike.

With respect to claims 21 and 22, the cancellation of these claims has rendered the rejection moot.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 19-22.

4. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1, 4-8, 11, 19- 20 and 32-34 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

/Donald R. Studebaker/

Donald R. Studebaker

Registration No. 32,815

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive
Suite 750
Reston, Virginia 20190
(703) 390-9051
Fax: (703) 390-1277
don.studebaker@sbpatentlaw.com